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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,314	01/22/2004	A. Michael Mondry	23769-003001	3097
26161 7590 09/22/2008 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER ORR, HENRY W				
ART UNIT 2176		PAPER NUMBER		
NOTIFICATION DATE 09/22/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/761,314	Applicant(s) MONDRY ET AL.
Examiner Henry Orr	Art Unit 2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 25 August 2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) _____.
13. ☒ Other: See Continuation Sheet

/Rachna S Desai/
Primary Examiner, Art Unit 2176

Continuation of 11. does NOT place the application in condition for allowance because: Rejections Under 35 U.S.C. 103
In respect to claims 1 and 11, Applicant argues that IBM Multi-Icon and IBM Drag fail to describe, or render obvious, either alone or in combination, the subject matter of independent claims 1 and 11. In particular, Applicant alleges that there is nothing to suggest, in either IBM Drag or IBM Multi-icon, that the multiple icons in IBM Drag should be modified to enable a user to perform a different operation on each of the icons being moved across the display screen.

Examiner notes that Applicant's claims 1 and 11 do not necessitate a different operation to occur on each of the icons while being moved across the display screen. IBM Drag is capable of dragging at least two objects wherein said two objects form a list of attached objects. Once IBM Drag drops the attached objects, Examiner relies on IBM Multi-Icon to teach entering a dropping mode with the dropped objects. Therefore, the collection of dropped objects would be the multi-icon as taught by IBM Multi-Icon. IBM-Multi-Icon enters a dropping mode by bringing up the list of icons. Based on the language of the claims, it is not necessary to combine the references in the way suggested by the Applicant (i.e. a further select, drag and drop, during a drag and drop operation already being performed) in order to meet the claim invention. IBM Drag can drag and drop the attached objects. Then after the dropping as taught by IBM Drag, IBM Multi-icon teaches entering a dropping mode with the dropped collection of attached objects. Thus, IBM Drag and IBM Multi-Icon do render obvious the subject matter of independent claims 1 and 11.

Applicant argues that the claims recite that the "set of icons" is displayed at the "current position of the cursor" and the dropping of the object occurs at the "current position of the cursor."

Examiner respectfully disagrees.

Applicant claims explicitly recite "processing the dropping of a first object in said list of attached objects into said surface at a position dictated by the current position of said cursor". In other words, "a position dictated by the current position of said cursor" does not have the same scope as "at the current position of the cursor".

In respect to dependent claims 3, 4, 13 and 14, Applicant argues that neither reference describes a "next object to be dropped" based on the location of the object in a list of objects.

Examiner notes that the language of dependent claims 3, 4, 13 and 14 do not require a next object to be dropped based on the location of the object in a list of objects. The language of the claims only recites an icon at a particular position representing the next icon to be dropped. In other words, the language of the claims does not require the next object to be the ONLY object to be dropped from the attached objects. For example, when IBM Drag drags the attached icons, all the attached icons at every position (e.g., leftmost, top-most) drop represent the next object to be dropped because all the attached icons are dropped at the same time. Therefore, IBM Drag teaches or suggests each of the attached objects at every particular position to represent the next object to be dropped (e.g. including leftmost, top-most positions).

For at least the foregoing reasons, Examiner maintains Prior Art Rejections.

Continuation of 13. Other: Objection to Claims 6, 7, 10,16,17 and 20 and 35 U.S.C. 112 2nd Rejection to claims 10 and 20 are withdrawn.